Remarks

The above Amendments and these Remarks are in reply to an Office Action mailed August 17, 2007 and a teleconference between the Examiner and the undersigned on December 6, 2007. The undersigned appreciates the courtesy shown by the Examiner during the teleconference.

A Petition for Extension of Time and the appropriate fee are included.

I. Restriction

The Examiner issued a Restriction Requirement and indicated five (5) groups of claims. Applicants herein acknowledge election of Group I claims: Claims 1, 2, 6, 9, 11-14, 16 and 18, drawn to compounds with a core ring structure described in the claims. Applicants have withdrawn and canceled claims in Groups II-IV without prejudice, being drawn to non-elected inventions. Applicants reserve the right to file these and other claims in continuing applications.

Applicant also elected the species (2S, 3'S, 8'R, 11'S) 2-{[(3'-Amino-1'-aza -2'-oxobicyclo[6.3.0]-undecyl)-11'-carbonyl]amino}-1,5-pentanedioic acid trifluoroacetate salt. Applicants appreciate the Examiner's view that this species is novel, and for the indication that claims 9, 11-14, 16 and 18 might be allowable if other rejections are removed (Office Action, page 7).

Applicants have withdrawn claims in Group V, drawn to methods of using compounds of claims 1 and 2. Applicants respectfully request rejoinder of methods of use claims 23, 30-32, 35-41 and 43-44, upon allowance of a claim of Group I.

Applicants further request that new Claim 45 be entered as part of elected Group I claims. Claim 45 reads on and is dependent from Claim 1.

II. Rejections

Claims 1-2, 6, 9, 11-14, 16 and 18 stand rejected under 35 U.S.C. §112, first paragraph, for lack of enablement of hydrates.

Applicants have amended the claims to remove hydrates from the scope of the claims.

Regarding Claim 6, applicants have amended the claim to correct the typographical error and to reflect that substituents listed are for R^1.

Claims 11-14 have been amended to delete non-elected subject matter.

Claims 1 and 2 stand rejected under 35 U.S.C. §102(a) as anticipated by Roy et al. (J. Peptide Research, 60: 198-214, 2002; "Roy"). Applicants thank the Examiner for pointing out the portions of the reference considered to be anticipatory.

Applicants note that the structures in Roy include substituents that are peptides. For example, in the top-most structure shown in page 6 of the Office Action, the core molecule, consisting of the double ring structure, a first amide bond, and a further carbon atom (shown attached to Pr-i (isopropyl alcohol), is connected through an amide bond to a further structure containing a plurality of amide bonds. For convenience in this Reply, Applicants consider this "further structure" shown on the lower two lines of the structure, to be in the same position as the R' attached to R^2 in Applicant's Claims 1 and 2.

Similarly, the other two structures shown on page 6 of the Office Action also contain similar types of amide-bonded structures in the same position as the R' attached to R^2 in Applicant's Claims 1 and 2.

Applicants respectfully submit that the R' groups recited in Claims 1 and 2 do not include structures containing the amide-bonded structures disclosed in Roy. In particular, Claims 1 and 2 include the limitation, "R' is independently selected from the group consisting of –H, alkyl, heteroalkyl, alkenyl, alkynyl, aryl, arylalkyl, heteroaryl and heteroarylalkyl..."

The specification (as published; US2006/0217295 A1) defines the above groups on page 3, paragraphs 29-33 and 35-36. However, none of the above-identified groups includes multiple peptide (amide) bonds as disclosed in Roy.

First, none of the "further structures" in Roy include double or triple bonds between carbon atoms, and therefore are not "alkenyl," alkynyl," "aryl" or aryllkyl." Similarly, no structures in Roy include "heteroaryl" substituents as defined in the specification.

Next, applicants submit that the closest types of structures to those of Roy would include R' as "heteroalkyl." However, according to paragraph 35 of the published application, "[h]eteroalkyl refers to an alkyl moiety wherein one or more carbon atoms are replaced with another atom such as N, P, O, S etc. ..." However, Applicants did not include within the meaning of "heteroalkyl" any amide-bonded structures as disclosed in Roy.

Thus, Applicants respectfully submit that Roy does not anticipate Claims 1 or 2, and further request the Examiner to reconsider this rejection and to find the claims allowable.

In light of the remarks herein and the amendments to the claims, Applicants respectfully submit that the claims currently pending are allowable. Further, Applicants respectfully request rejoinder of methods of use claims, Claims 23, 30-32, 35-41 and 43-44.

Applicants have added new Claim 45, which is a compound claim having support in original claim 41 as filed. Applicants submit that this claim is allowable, and request its entry into the application.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-4089 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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